

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CHARLES F. CARDONE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 05-536-KAJ
	)	
CORRECTION OFFICER HAMMOND,	)	
CORRECTION OFFICER MORGAN,	)	
STAN TAYLOR, PAUL HOWARD,	)	
GOVERNOR RUTH ANN MINNER,	)	
FIRST CORRECTIONAL MEDICAL,	)	
C/O JONATHON BAKER, C/O FLOYD,	)	
C/O CHAFFINCH, FIRST	)	
CORRECTIONAL SCI NURSE SALLY,	)	
T. HENLEY GRAVES, C/O DRUGASH,	)	
C/O MORRIS, C/O HAZEL, CHIEF	)	
JUSTICE MYRON STEELE, JIM	)	
LUPINETTI, JACK SINES, WARDEN	)	
KEARNEY, COMMANDANT OF	)	
DELAWARE STATE POLICE	)	
TROOP 4, and CPT. TIMOTHY	)	
WINSTEAD,	)	
	)	
Defendants.	)	

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CHARLES F. CARDONE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 05-600-KAJ
	)	
C/O JONATHON BAKER,	)	
C/O CHAFFINCH, WARDEN	)	
RICHARD KEARNEY, FLOYD, and	)	
CPT. TIMOTHY WINSTEAD,	)	
	)	
Defendants.	)	

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## ORDER

Plaintiff Charles F. Cardone ("Cardone"), initiated two separate lawsuits pursuant to 42 U.S.C. § 1983, as captioned above. He proceeds *pro se* and was granted permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

The allegations in the complaints in Civil Case Nos. 05-536-KAJ and 05-600-KAJ involve identical facts and parties, both suits concerning Cardone's claims of excessive force while he was housed as a pretrial detainee at the Sussex Correctional Institute. In fact, Cardone has filed many identical pleadings in both cases. Federal Rule of Civil Procedure 42 provides for consolidation "[w]hen actions involv[e] a common question of law or fact. . .to avoid unnecessary costs or delay." Fed. R. Civ. P. 42(a). "District courts have the inherent authority to order consolidation *sua sponte*." *Plimpton v. Cooper*, 141 F.Supp.2d 573, 575 (W.D. N.C. 2001)(citing *Pickle v. Char Lee Seafood, Inc.*, 174 F.3d 444 (4<sup>th</sup> Cir. 1999)). The complaints concern common questions of law and fact.

IT IS THEREFORE ORDERED that:

1. Civil Case Nos. 05-536-KAJ and 05-600-KAJ are CONSOLIDATED for all purposes.

2. The caption of the Consolidated Action is as follows:

CHARLES F. CARDONE,	)	
	)	
Plaintiff,	)	
	)	CONSOLIDATED
v.	)	Civ. No. 05-536-KAJ
	)	Civ. No. 05-600-KAJ
CORRECTION OFFICER HAMMOND,	)	
CORRECTION OFFICER MORGAN,	)	

STAN TAYLOR, PAUL HOWARD, )  
GOVERNOR RUTH ANN MINNER, )  
FIRST CORRECTIONAL MEDICAL, )  
C/O JONATHON BAKER, C/O FLOYD, )  
C/O CHAFFINCH, FIRST )  
CORRECTIONAL SCI NURSE SALLY, )  
T. HENLEY GRAVES, C/O DRUGASH, )  
C/O MORRIS, C/O HAZEL, CHIEF )  
JUSTICE MYRON STEELE, JIM )  
LUPINETTI, JACK SINES, WARDEN )  
RICHARD KEARNEY, COMMANDANT )  
OF DELAWARE STATE POLICE )  
TROOP 4, and CPT. TIMOTHY )  
WINSTEAD, )  
 )  
 )  
Defendants. )


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3. The complaint (D.I. 2) and amended complaints (D.I. 2, 4, 11, 19, 22, 31) filed in Civil Action No. 05-536-KAJ, and the complaint (D.I. 1) and amended complaint (D.I. 29) filed in Civil Action No. 05-600-KAJ, together will stand as the complaint in this Consolidated Action.

4. Should it become necessary during the course of this litigation for defendants to answer the allegations, the defendants are to answer the complaints that contains the allegations against them, be it Civ No. 05-536-KAJ, Civ. No. 05-600-KAJ or both.

5. All documents previously filed to date in the cases consolidated herein are deemed filed and are part of the record in the Consolidated Action.

6. Hereafter, court pleadings and documents shall be filed **only** in CivilAction No. 05-536-KAJ. The Court will not accept pleadings filed in 05-600-KAJ.

  
UNITED STATES DISTRICT JUDGE

March 17, 2006  
Wilmington, Delaware